

**INLAND WETLANDS COMMISSION
REGULAR MEETING
November 2, 2016**

MEMBERS:

Mary Davis, Chair
Marcia Puc - 6:01 p.m.
Tracy DeBarber
Mark Bakstis
Carlos Batista
Jeffrey Litke, Alternate

OTHER:

Sue Goggin, Town Planner/ZEO/WEO
Lori Rotella, Assistant ZEO
Wayne Zirolli, Borough Engineer
Attorney Fitzpatrick
Public - 22

PUBLIC HEARING

6:30 P.M. The Wetlands Commission will hold a Public Hearing for activities considered significant associated with (IW # 16-11) for proposed mixed use development within the 100' Upland Review Area at 874 May Street, Applicant: Yeshiva Ohr Hachaim

Mary Davis opened the 6:30 P.M. public hearing. Mark Bakstis recused himself from this application. Mary made Jeffrey Litke a regular voting member in place of Mark Bakstis. Susan stated that the applicant's fees were paid and the letters were mailed to the abutting neighbors. Susan also received copies of the letters that were mailed for the record. Mary explained how the public hearing will run. Curt Jones, P.E. with Civil 1 Engineers, 43 Sherman Hill Road, Woodbury and Bobby Jacobs, the developer for the parcel, were representing the applicant. Curt explained that the 55 acre parcel was located on May Street and has a house and barn on the property. The parcel consists of some meadows and the rest is mostly wooded. A licensed surveyor flagged the wetlands on the parcel. There is one wetlands crossing on the property. There is also a crossing of a conveyance swale. Curt reminded the commissioners where it was located from their site walk. The site walk was properly posted in the Naugatuck Town Hall in accordance with the Connecticut General Statutes on October 13, 2016. According to the soil scientist the conveyance swale did not meet the criteria to be considered wetland soils or an intermittent water course. When it rains water does flow through there so they are proposing a pipe to be installed under the road. Curt explained the extensive proposed storm drainage system. He went on to explain that this will be a private community. It will consist of a high school for approximately 100 students, housing for faculty and alumni and the rest single family and duplex homes. The community will be serviced by the Borough's emergency services but the road and trash will be private. They are not expecting any of the children to be using the Naugatuck school system. This community should bring an approximately \$20,000,000 increase to the grand list. The portion with the school, dormitories and faculty housing will be non-profit. The build out will take several years. The first phase will be the school area. The work is scheduled to begin late winter. The applicant is planning on a September 2017 opening of the school. Curt passed out a copy of his response, dated November 2, 2016, to Wayne Zirolli's technical review, dated October 3, 2016. He also attached a copy of the soil scientist's report. Curt also passed out a copy of his response, dated November 2, 2016, to an email from Roman

Mrozinski of the Southwest Conservation District, dated October 28, 2016. Also attached to his response to Roman's email was a map of the Natural Diversity Data Base Areas. From a wildlife perspective, there is no endangered species on or around the site. He went over each item from both reports in detail. Curt also stated that they are aware of permit requirements for the CT DEEP for any locally approvable project which disturbs 5 or more acres and they will adhere to them. The Natural Diversity Data Base Areas dated June 2016 and the Wetlands / Watercourse Delineation Report dated June 6, 2016 were made part of the record. Mary Davis questioned where the 4 vernal pools were located that were mentioned in the soil scientist report. Curt responded that his office was in touch with Eric Davidson, the soil scientist, and Eric stated that two of the vernal pools were located off site. There was one small vernal pool located near May Street, towards the front of the property and the other one towards the back up about 100 – 150 feet from the crossing. Curt pointed out on the map where he believes they are located. He also noted that the stone wall on the property will serve as a buffer for the vernal pool located near May Street. He also mentioned no work will be done within 100 feet of that vernal pool. The existing stonewall is about 2 – 3 feet wide and will remain as protection also. They do not know the exact location of the second vernal pool and cannot mark the exact area this time of year. They will take precautions to address this in the spring when they can see the location of the vernal pool. Mary also requested a map that shows the different types of soils located on the property. Curt explained that there is one in the storm water report that was previously made a part of the record. Mary asked if the pieces of the storm water report that pertained to the different types of soils be provided to the commission. Bobby Jacobs submitted a Custom Soils Resource Report and Soil Map for the record. Susan Goggin will make copies of that for the commissioners. Mary questioned the main entrance area where the store will be built and if the road will be in the 100 foot buffer area. Curt explained that the stone wall will serve as a buffer in the 100 foot upland review area. He also stated that the reason they are before the commission is because the road is located within that upland review area. If the entrance is shifted, you will not have the distance for visibility. There is a hump in the road on May Street. Mary also questioned the number of acres the road is going 40 – 50 feet into the buffer area throughout the site. Various areas are tight up against the wetlands. Curt explained there are two reasons for this. The first reason is the location of the wetlands crossing is at the narrowest part of the wetlands and two if you shift the crossing further up, the crossing would be located on a much steeper slope which would require a much longer culvert and a wider footprint. Their goal is to keep the crossing off of the steep slopes. The area they choose to put the crossing is the best place for balance. Mary explained to Curt that there is an extensive amount of wetlands throughout the property and a lot of proposed building going on at this site and she wants to protect the wetlands. Curt explained that with having to get a DEEP General Permit, the site will be inspected every week or anytime there is a 1/10 of an inch of rain. This is then filed online every 30 days with DEEP. These inspections would be the strongest measure to be sure everything is protected. Marcia asked Curt to explain in more detail the construction process of the culvert area going through the wetlands. Curt explained they will stake out the area, put in silt fence, cut the trees and remove the vegetation (grub it out) to get down to firm ground. They will put in a gravel base. The culvert will have a natural base with an open bottom. As they set the pieces, they will put in the stone bed underneath it. At the end they will put rip rap pads on each end to protect against erosion. The disturbed areas will get top soil, grass seed and mulch. Erosion control inspections will have to continue here as well as the rest of the site until the vegetation has been established. Notification has to go to DEEP that it is complete. There is a lot of oversight over the 5

acre threshold. Curt explained how they will install the box culvert. This area is a stony channel only about 20 feet wide. There was a brief discussion on wildlife going through the culvert. Carlos questioned if the neighbors would be affected by any storm water runoff. Curt explained that the land slopes away from the neighboring properties and that none of the storm water is directed towards them. Carlos questioned the type of sewer system to be installed. Curt explained it is an injector pump up system. Tracy asked if the commission would be able to get copies of the reports from DEEP. Curt said the commission could be copied on the weekly reports. Mary also explained to Curt that the commission is waiting on a report from Roman Mrozinski from Southwest Conservation. Mary opened up the Public Hearing to the public.

Maryanne Healy, 837 May Street – asked if the area residents would be able to tie into the public sewer or water. Attorney Fitzpatrick stated that if a water line is in the public right of way they can have the option to hook up to it. Wayne explained that the WPCA Commission requires sewer connections be provided in front of each house where the forced main is located. Daniel Michaud, 820 May Street – asked if you could have both a well and city water. Wayne stated you would have to take that issue up with the Valley Health District. Dan was also concerned with runoff and if it will be controlled. Mark Bakstis, 10 Pinewood Xing – explained that he is a Wetlands Commissioner and has recused himself from this application. He is opposed to the 4,900 square feet of disturbance to the wetlands; he feels it is a significant impact. He is also opposed to the 627 cubic yards of wetlands be filled in. He feels the development is inconsistent with the surrounding neighborhood, too dense. He is also concerned with the neighbor's shallow wells and the current drought situation. Clista Michalek, 241 Maple Hill Road – stated she is a wildlife artist and photographer. She feels this is a big project and is concerned with how it will affect the wildlife in the area. She also knows where the vernal pools are located. She has a concern when the roads in the development are plowed and the sand and salt that will be used. She agrees with Mark Bakstis' comments. She also felt it was not good to consider a project like this during a drought. She admires what they want to build but does not like them taking away everything that protects the environment. Dan and Kristi Bianchini, 265 Maple Hill Road – they are also concerned with the wetlands. They felt the study should have been done in a wetter season, possibly the spring. Dan stated that 3 years ago the area was flooded. He doesn't think the project to be rushed. Kristi feels the development is not diversified and that the community would be segregated. She doesn't see the benefit and does not want to see the woods taken away. Georgette Lawrence, 28 Ridgeland Drive – likes the way the project looks and feels it is a good plan. She stated that nobody wants to see change but if they do not build this project, it could be something worse. She is in favor of the project. Mary asked for any more comments or questions from the commissioners. There was more of a discussion regarding where the wetlands end and then start up again. Curt stated that the density of the development is no different than what is already developed in the area. He feels the pattern of this development fits in with the existing area. He also explained that they are not increasing the runoff onto the neighboring properties. He will take a closer look at the area around 820 May Street during development. Mary explained to the public that there will also be public hearings once the application goes before the Planning and Zoning Commissions. She also stated that they will be applying for a zone change to a Planned Development District (PDD) which allows for denser development. Curt also explained that the wetlands are not delineated by drought conditions. The soil scientist digs down approximately 18 inches into the soil and looks at the color of the soil, not if it is actually wet. Mary had a concern with the area on the east side of the property towards Maple Hill Road. Curt explained that according to the hydrology report, there are no wetlands there.

Susan will give the commission a copy of the summary of the hydrology report, a map of the soils and the report from Southwest Conservation when it comes in.

The Public Hearing was continued to December 7, 2016 at 6:00 P.M. Curt Jones will not be able to attend that meeting, he will be traveling in Asia and will try to have someone else at the meeting in his place. Mary explained to the public that they will not receive another notice for the continued Public Hearing.

REGULAR MEETING

1. Mary Davis called this meeting to order at 6:00 P.M. Mary noted there was a quorum. Mary opened the meeting with the Pledge of Allegiance.
2. Executive session with Borough Attorney.
There was none.
3. Public comment
There was none.
4. **OLD BUSINESS**

A. Long Meadow Pond Brook ERT Study

There was nothing new to report.

B. Commission discussion regarding an existing Commercial Outdoor Automobile Storage (IW#14-01) located at the Risdon Property, Arch Street, Scott Road, Andrew Avenue and Rubber Avenue; Applicant: A Better Way Wholesale Autos, Inc.

Susan Goggin stated that the existing site looks good. The cars are parked in the same place. The fire lane was left open and the boom looks good.

C. Commission discussion/decision regarding application for proposed mixed use development within the 100' Upland Review Area for property at 874 May Street (IW #16-11), Applicant: Yeshiva Ohr Hachaim

There was no discussion.

5. **NEW BUSINESS**

A. Commission discussion/decision regarding application for Eagle Scout project to build a bridge on Andrew Mountain Road Open Space within the 100' Upland Review Area, Applicant: Earl Snyder

The applicant was not ready this month. Earl could not find the exact location

of where the bridge is to be built. Mary Davis said to take this item off of the agenda until the applicant comes back in with his completed application.

- B. Additional items require a 2/3 vote of the Commission.

There was none.

6. **CORRESPONDENCE**

There was none.

7. **WEO REPORT**

- A. Autohaus Property, 393 Rubber Avenue (IW #08-08)

Susan Goggin explained that Wayne Zirolli went to the property and met with the owner to go over an alternate plan instead of installing a rain garden. They agreed a stone berm made out of ¾ to 1 inch stone would work as a substitute for the rain garden. The berm was installed and Wayne inspected the berm and took pictures of it to show the commissioners where the berm was located. Carlos Batista was brought up to date by Mary Davis on this applicant. There was no further discussion from the commission and Mary took this item off of the agenda.

- B. Naugatuck HS Renovation (IW#12-04) – water quality test results

Susan explained that testing will be done sometime this month (November 2016). Mary brought the two new commissioners, Jeffrey Litke and Carlos Batista, up to date on this item. When this was originally approved, one of the conditions was to have follow-up testing done. The applicant had testing done twice a year for the first 3 years and then one time a year for the next 2 years. Attorney Fitzpatrick also added that testing was done prior to construction and then post construction. All of the tests have had good results except for the fifth test had some elevated levels of lead. The sixth test came back with normal levels again. Wayne Zirolli was present for the last test to see exactly where HRP Engineering (hired by O&G) was taking their samples from. The results from the November 2016 test should be in prior to the next meeting in December. Attorney Fitzpatrick stated that it was a good decision by the Inland Wetlands Commission to require the post construction testing.

8. **REVIEW/APPROVAL** of the October 18, 2016 Site Walk and the October 5, 2016 Show Cause Hearing and Meeting Minutes.

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Marcia Puc to **APPROVE** the October 18, 2016 site walk minutes as written.

VOTED: Unanimously on a motion by Marcia Puc and seconded by Tracy DeBarber to **APPROVE** the October 5, 2016 show cause hearing and meeting minutes as written.

9. **ADMINISTRATIVE BUSINESS**

There was none.

Meeting recessed at 6:20 p.m.
Meeting reconvened at 6:30 p.m.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Marcia Puc and seconded by Tracy DeBarber to
ADJOURN the meeting at 8:05 P.M.

Respectfully Submitted,

Tracy DeBarber, Acting Secretary /lr